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9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

11 LAURA ALBEE, JOON CHUNG,  
JASON LEE aka SANG JIN LEE,  
12 TIMOTHY MURPHY, SUNGSHIC  
PARK, YOON PARK, HOWARD REE,  
13 LEON SONG, and EDWARD YOO,  
individually and on behalf of all others  
14 similarly situated,

15 Plaintiffs,

16 vs.

17 KOREAN AIR LINES CO., LTD.,  
ASIANA AIRLINES, INC.,

18 Defendants.  
19

MDL No. 1891

Master File No. CV 07-05107  
SJO (AGRx)

**ORDER  
GRANTING MOTION OF  
UNITED STATES TO  
INTERVENE AND STAY  
DISCOVERY**

Date: October 24, 2008  
Time: 8:00 a.m.  
Court: Hon. S. James Otero

20 [FILED CONCURRENTLY  
21 WITH MEMO OF P'S & A'S  
22 IN SUPPORT OF UNITED  
23 STATES MOTION TO  
INTERVENE AND STAY  
DISCOVERY; APPLICATION  
TO LODGE DOCUMENT  
UNDER SEAL; [PROPOSED]  
ORDER ON APPLICATION]

24 [LODGED CONCURRENT  
25 TO FILING UNDER SEAL:  
26 DECLARATION OF  
27 BRENT SNYDER]  
28

**ORDER GRANTING MOTION TO INTERVENE AND STAY DISCOVERY**

On this date, the Court considered the MOTION OF UNITED STATES TO INTERVENE AND STAY DISCOVERY. The Court finds that the United States meets the requirements for permissive intervention under Fed. R. Civ. P. 24(b) and that a limited stay of discovery for a period of six months is warranted because the public's interest in an ongoing related criminal grand jury investigation outweighs the interests of the parties in conducting full discovery in this civil matter at this time. It is therefore ordered that the Motion be GRANTED. Upon entry of this Order of the Court, and for a period of six months or until further order of this Court, discovery that seeks evidence of an alleged conspiracy in violation of the Sherman Act involving air passenger transportation shall be limited as follows:

1. No discovery shall be conducted in this case, including without limitation, document requests, interrogatories, requests to admit, or depositions that refer, reflect or relate to any understandings, agreements, contacts, meetings, or communications, between or among defendants and/or air passenger carriers, relating to the sale, pricing, fares, volume, market share, customers, terms and conditions, distribution, or classes of air passenger tickets.

2. No discovery shall be conducted in this case relating to grand jury proceedings concerning air passenger and air cargo transportation, including without limitation, document requests, interrogatories, requests to admit, or depositions that refer, reflect or relate to any party's or witness' communications with the United States, or with the grand jury (including, but not limited to, the fact or existence of such communications), except by order of the Court upon good cause shown and consistent with governing law.

3. To the extent consistent with the first two paragraphs of this Order, discovery that concerns the following is not prohibited:

[Proposed] Order Granting  
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- 1 a. Third party discovery;
- 2 b. The sale of air passenger tickets by defendants (or their
- 3 subsidiaries, joint ventures, affiliates or agents) to passengers,
- 4 ticket purchasers not limited to passengers, travel agents,
- 5 wholesalers, consolidators, and other customers;
- 6 c. The purchase or sale of air passenger tickets by or to
- 7 passengers, travel agents, wholesalers, consolidators, other
- 8 customers, or agents;
- 9 d. Defendants' sales, capacity, capacity utilization, costs, sales
- 10 volumes, profitability, competitive position, market share, ticket
- 11 classes, sales terms and conditions, contracts with ticket
- 12 purchasers or travel agents, fares, and prices;
- 13 e. The identity of defendants' persons in positions of management
- 14 or control of ticketing and pricing, including any directors,
- 15 officers, managing agents and employees, and the identity of
- 16 purchasers of tickets, travel agents, or distributors of tickets.
- 17 Discovery may not seek narrative answers, but may ask for the
- 18 names, positions, dates of employment, tenure, addresses, and a
- 19 description of job duties for each during the class period;
- 20 f. The storage, location, retention, destruction or identity of
- 21 corporate records, including individual officer and employee
- 22 records; and
- 23 g. To the extent that any defendant denies in its response to the
- 24 Second Amended Consolidated Class Action Complaint that the
- 25 Court lacks personal jurisdiction over that defendant, plaintiffs
- 26 shall be allowed to take discovery relating to the issue of
- 27

1 personal jurisdiction over that Defendant.

2 4. This Order does not prohibit class certification discovery, except as  
3 prohibited by the other terms within this Order.

4 5. This Order does not prohibit the service of interrogatories, requests  
5 for admissions, requests for production of documents and deposition notices,  
6 except to the extent that such discovery requires the production of discovery which  
7 is stayed hereunder.

8 6. All formal discovery requests shall be served on the U.S. Department  
9 of Justice, Antitrust Division ("DOJ"), at least three weeks before the discovery is  
10 due to be produced. The DOJ and any party may object to discovery on the basis  
11 that the requested discovery seeks information or documents prohibited under this  
12 Order.

13 7. Nothing in this Order is intended to foreclose any objection to  
14 discovery that is otherwise permitted by this Order; all such objections are  
15 preserved. Any party or the DOJ can request a modification of the discovery  
16 permitted hereunder upon a showing of good cause.

17 8. The United States shall report on the status of the grand jury  
18 investigation 120 days after entry of this order. Six months after entry of this  
19 Order, the Court shall conduct a Discovery Status Conference whereby the United  
20 States will provide a progress report to the Court and may seek further extension of  
21 the limited discovery stay for good cause shown.

22  
23 IT IS SO ORDERED.

24  
25 DATED: 10/24/08 \_\_\_\_\_

/s/ S. James Otero

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The Honorable S. James Otero  
United States District Court Judge

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1 RESPECTFULLY PRESENTED BY:

2 THOMAS O. BARNETT  
3 Assistant Attorney General  
4 U.S. Department of Justice  
5 Antitrust Division

6 BY:

7 BRENT SNYDER  
8 Trial Attorney

9 Attorneys for the United States of America  
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28 [Proposed] Order Granting  
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